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Some Dangers Which Threaten
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SOME DANGERS WHICH THREATEN TRADE UNIONISM.



By
J. T. BROWNIE,

— A.S.E., —
*Parliamentary Labour Candidate,
Govan Division, January, 1910.*

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Dangers which Threaten Trade Unionism.

What is known as the "industrial upheaval," the revolt of the so-called "unskilled" grades of labour, has driven the defenders of predatory wealth into a state of frenzy. The strikes of the coal-porters, transport workers, the railwaymen, and other grades of labour, male and female, have alarmed the profit-mongers to such an extent that they are bestirring in various ways to destroy the new-born strength of Demos. Fussing people, who worried more about the "design of postage stamps" and "hobble skirts" than the social well-being of the toiling masses, are making common cause with employers of sweated labour to cripple trade unionism. Religious and political differences are forgotten; the stock-broking and coupon-clipping fraternity are rallying their forces against organised Labour. Chambers of Commerce, Employers' Parliamentary Councils, and reactionary municipal bodies like the Liverpool City Council, are taking common action to make peaceful picketing and a strike a punishable offence. If this movement, which is being organised by powerful and influential bodies, were to succeed trade unionists would find themselves in a cleft stick. Notwithstanding the fact that the Trades Disputes Act, 1906, was passed by the Liberal Government, it was well known at the time that many of the late Sir Henry Campbell-Bannerman's followers voted for the measure feeling convinced that it would be thrown out by the House of Lords—in this they were disappointed. The secret hatred that was in their hearts against the measure still remains; they are hoping, with feelings of suppressed eagerness, that the awakened hostility against trade unionism will succeed in throttling the effective power of the Act. My object in writing this pamphlet is to warn my fellow trade unionists of the besetting dangers which are threatening trade unionism, and to impress upon them the supreme necessity of being keenly alert to the movements of our opponents. The very existence of trade unionism is at stake! Without the right to picket and the power to strike trade unionism is reduced to impotence.

Much of what I shall have to say with regard to the dangers which threaten will be better understood, and the spirit which animates our opponents more easily appreciated, if I review some of the historical hardships which early trade unionists had to undergo in their struggles to win the right to combine. Were the workers as well informed on these matters as they ought to be the solidarity of Labour would be more quickly realised. Were their knowledge of the laws which govern the production and distribution of wealth equal to their knowledge of football, horse-racing, and prize-fighting there would be no need to write this pamphlet, and we could rest assured that our opponents were "biting granite."

Early Trade Unionism and the Law.

The right of combination was not won until 1824, but all through the eighteenth century there was a steady growth of the trade union idea.

The development of the capitalist employer, the suppression of domestic industry, the application of Hargreaves's spinning jenny, Arkwright's mill, Crompton's mule, Cartwright's power loom, Watt's invention of the steam engine, with other labour-saving inventions, destroyed the worker's power to own and his hope to own the materials of his craft. Such were the dynamic forces that destroyed the handicraftsman's control over the implements of production, lowered his wages, and forced him to make common cause with his fellow-craftsmen and thus form "illegal combinations." Old mediæval laws, "forbidding all congregations, covins, and conspiracies of workers in general," were resuscitated and enforced with relentless severity to crush out the growing spirit of trade unionism. Notwithstanding the bitter hostility and the inhuman brutalities of the law, the founders of modern trade unionism carried on their work surreptitiously and succeeded in forming strong combinations in defiance of the law. "The Friendly Society of Iron Founders, which began in 1810, used to meet on dark nights on the peaty wastes and moors on the highlands of the Midland Counties, and the archives of the society were buried in the peat." Similar methods were resorted to by other trade combinations of workmen. So alarmed did the Government of the day become in consequence that a series of six Acts, known as the "Gagging Acts of Sidmouth and Castlereagh," were introduced in the House of Commons and passed; "the objects to be attained by these Acts were, in the first place, to prevent the people from organising; and, in the second, to put a plaster on their mouths, by which they could not hold public meetings without incurring a penalty." The Government's ferocity towards those who were courageously striving to better their conditions is shown with dramatic horror in an incident which occurred after the massacre at Peterloo. A poor, weak-minded weaver, belonging to Strathaven, in Lanarkshire, named Wilson, got a few hungry weavers to join him for the purpose of overturning the Government. Poor fellows! It is questionable if they could have overturned the parish pump if there had been three men there to protect it! The outraged majesty of the law was vindicated when the judges went through the farce of trying Wilson, who was found guilty long before the trial took place. The "execution was a grand affair"; an awful example to the weavers of revolutionary proclivities, and a manifestation of the power and watchful care of "a kind and paternal Government." Wilson's body dangled in the air sixty minutes, after which the executioner severed the head from the trunk and held it up to the view of the half-starved weavers of Bridgeton, Calton, Tollcross, and Camlachie in order that they might be converted into peaceful and contented members of society. It may be here noted that the secret service money was being freely circulated, at that period, in both England and Scotland for the purpose of entrapping political victims.

The accepted theory underlying the conspiracy laws with regard to trade is admirably stated by Adam Smith, who says: "People of the same trade seldom meet together, even for merriment and diversion, but the conversation ends in a conspiracy against the public or in some contrivance to raise prices." It is true that the general Combination Act of 1799, reaffirmed and amended by that of 1800, forbade combinations of employers as well as combinations of journeymen. But even if it had been impartially carried out there would still have remained the inequality due to the fact that in the new system of industry a single employer was himself equivalent to a very numerous combination. "But the hand of justice was not impartial. The tacit but constant combination of employers to depress wages, to which

Adam Smith refers, could not be reached by the law. Nor was there any disposition on the part of the magistrates or the judges to find the masters guilty, even in cases of flagrant or avowed combination. No one prosecuted the master cutlers who, in 1814, openly formed the Sheffield Mercantile and Manufacturing Union, having for its main rule that no merchant or manufacturer should pay higher prices for any article of Sheffield make than were current the preceding year, with a penalty of £100 for each contravention of this illegal agreement. *During the whole epoch of repression, whilst thousands of journeymen suffered for the crime of combination, there is absolutely no case on record in which an employer was punished for the same offence.** The italics are mine.

Lord Jeffery, in a speech delivered in Edinburgh in 1825, summarised by Sidney Webb, said: "A single master was at liberty at any time to turn off the whole of his workmen at once—100 or 1,000 in number—if they would not accept the wages he chose to offer. But it was made an offence for the whole of the workmen to leave that master at once if he refused to give the wages they chose to require." The prevailing opinion was "that the workmen were the most unprincipled of mankind." And so far as the law courts were concerned, "Justice," as Francis Place tells us, "was entirely out of the question; they could seldom obtain a hearing before a magistrate, never without impatience or insult. . . . Could an accurate account be given of proceedings, of hearings before magistrates, trials at sessions and in the Court of King's Bench, the gross injustice, the foul invective, and terrible punishments inflicted would not, after a few years have passed away, be credited on any but the best evidence." The leaders of a strike were in constant danger of being transported to Botany Bay or sent to prison. In the cotton-weavers' strike, 1812, which spread from Carlisle to Aberdeen, 40,000 weavers ceasing work, the whole strike committee were arrested by the police, and the five leaders were sentenced to terms of imprisonment varying from four to eighteen months. The vindictiveness of the law, although it was legal for workmen to form trade unions, manifested itself with atrocious severity in the case of the Dorchester labourers. In 1834 six agricultural labourers, who were members of the Friendly Society of Agricultural Labourers, men of good previous record and characters, were convicted nominally of administering unlawful oaths, but really of the crime of combination. The monstrous sentence of seven years transportation was passed upon them; they were hurriedly shipped off to Australia and sold to labour contractors for £1 per head. All through this period there were conspiracy prosecutions and condemnations. One of the most important of these was the prosecution of the Wolverhampton tinplate workers in 1851. There had been a strike, and the strikers picketed the factory, and by inducing workmen to keep away they had brought the business to a standstill. They were charged with conspiracy and convicted under common law misdemeanour, punishable by two years penal servitude. Further cases could be quoted where trade unionists have been tried under these laws and sentenced to terms of imprisonment, but this is unnecessary. It may be that there are many trade unionists under the impression that the Trades Disputes Act of 1906, which legalises peaceful picketing, abrogates the conspiracy laws. If such be the case, I would remind them of the convictions sustained against the London printers in their strike for a 48-hour week.

*Webb's "History of Trade Unionism," p. 64.

Our Opponents and their Methods.

The opponents of trade unionism may be divided into two sections : those who are thick-and-thin supporters of monopoly and privilege and bitterly hostile to the aims of organised Labour, and those who favour trade unionism with modifications. The former are like the Bourbons, who learn nothing and forget nothing, but are convinced there is only one effective reply to the clamant demands of the workers—“*a whiff of grape shot.*” They are open and avowed foes, but infinitely less dangerous than their smiling confederates who try to reconcile the conflicting interests of Labour and Capital. The latter are more treacherous, and require constant vigilance on the part of the workers to detect their subtle hostility to trade unionism.

The “friendly” section of our opponents never tire of enlarging on the beneficent features of trade unions, their out-of-work, sick, superannuation, and funeral benefits, these representing its legitimate functions and its proper sphere ; but the same people deprecate the use of these organisations to raise wages, reduce hours, and to secure better industrial and social conditions for the workers. While the trade unionist regularly taxes himself week by week to pay these benefits he is a very fine fellow, but when he attempts to use the collective force of his organisation to raise his standard of life he is looked upon as a menace to society. The cardinal and most vital principle in the trade union charter is the principle of “collective bargaining.” The whole of the enemy’s fire has been concentrated on that particular point of the trade union citadel. The “Times” kept up a vigorous onslaught on this with its heavy artillery some years ago, with the result that trade unionism came out of the ordeal more vigorous than ever and more determined to go forward with the work of organisation and consolidation. The lesson the “Times” learnt from that effort was, that where frontal attacks fail insidious methods may succeed, and the inspirers of the “Times’” attack, organised capital, have since resorted to these latter methods.

In the early days of the “new unionist” movement, when the “unskilled workers” were rapidly organising and strikes were the order of the day, the late Sir George Livesey, of the South Metropolitan Gasworks, introduced a profit-sharing scheme into his works in order to defeat and counteract the aims of the new unionism. Sir George was hailed as a great public benefactor by his fellow-employers owing to his astuteness in thwarting the trade unionist. His scheme was introduced by other employers into their firms in the hope of deluding the workers. Lord Furness’s attempt to inveigle his employees into a scheme of this sort was contemptuously rejected by the intelligent trade unionists after a few months’ trial. Livesey, Furness, and others who advocate this profit-sharing fraud made no secret of their designs—viz., to make strikes impossible. Finding the workers were not to be caught by that chaff other tactics have been adopted—e.g., “long agreements,” “premium bonus system,” and “black lists.” Nor have our opponents overlooked the power of the law courts in their crusade to maim the effective wing of trade unionism. Injunctions were applied for and granted by the legal defenders of predatory wealth—*Flood v. Allen* and *Quin v. Leatham* are two conspicuous instances. Encouraged by these successes they aimed at higher game, and the famous *Taff Vale* Judgment was their reward. It is true that the Trades Disputes Act has reversed that decision, but our opponents were in no way undaunted by that reversal, but pressed forward and added another scalp to their girdle—the *Osborne* Judgment.

Money has been squandered broadcast to corrupt the simple-minded trade unionist and induce him to become the pliant tool of capital. Spurious organisations have sprung into being, financed by our enemies, to persuade those misguided unionists to apply for injunctions against their Executives to prevent the levying of their members for political purposes, a right enjoyed by trade unionists for forty years. To have a detailed statement of subscribers, and the amounts each subscribed, who supplied the notorious Osborne and the amazing Cook with the thousands of pounds to carry on their nefarious work of litigation would not only be an interesting document to read, but a startling exposure of names. By no means the least mischievous method of crippling trade unionism is to corrupt its leaders with patronage and flattery in high and distinguished places. The slavish homage organised Labour paid to the fetish of royalty when Mullin and Davis attended King George's coronation ceremony on behalf of the Parliamentary Committee of the Trades Union Congress marks a depth of obsequiousness unconceivable by the early trade unionists of last century. Davis will go down in history as the man who boasted of being "the first to shout 'God Save the King'" when George V. was crowned!

Avowed Hostility.

It is very hard to obtain precise and definite information of the number, aims, and objects of the various associations that have sprung into being in consequence of the industrial upheaval. The stray paragraphs which have appeared in the daily Press as to the aims of these bodies are vague and indefinite. But that cannot be said about Mr. W. S. Lilly, who writes on the "Philosophy of Strikes" in the "Nineteenth Century and After" for October. Whatever we may think about the wisdom of Mr. Lilly's views they lack nothing on the score of candour. The article is adorned with much erudite knowledge which has little bearing on the recent strikes, but forms a sort of a literary pathway to Labour's battlefields. Needless to say that he enthusiastically approves of the use of the military by the Government to quell the strikers. He calls for the abrogation of the Trades Disputes Act, 1906, which legalises peaceful picketing, and yearns for the re-enactment of the Trades Union Act of 1875, which "made it an offence on the part of anyone who, with a view to compel a person to abstain from working, 'watches or besets the home or other place where such other person resides or works, or carries on business, or happens to be, or the approach to such a house or place,' or 'who follows such other person, with two or more persons, in a disorderly manner, in or through any street or road.'" One does not require to be steeped in forensic lore to see how difficult it would be to carry on a strike to a successful issue under legal restrictions of that character. That is exactly the reason why Mr. Lilly and his friends desire its re-enactment. The clause in the Trades Disputes Act which has awakened the wrath of our opponents reads: "It shall be lawful for one or more persons acting on their own behalf, or on behalf of a trade union, or of an individual employer or firm, in contemplation or furtherance of a trade dispute, to attend at or near a house or place where a person resides or works, or carries on business, or happens to be, if they so attend merely for the purpose of peacefully persuading any persons to abstain from working."

This scholarly defender of the dominant order, while in favour of the nationalisation of the railways, says: "They should be worked by

a special service of a quasi-military character. Men should enlist in it, should be liberally paid, humanely treated, regularly promoted, and well pensioned; participation in any kind of strike to be visited with instant dismissal; and to leave the service without three months notice should be an offence punishable with the same rigour as desertion from the army." Lilly has drawn aside the veil and revealed to us, naked and unashamed, the despotic spirit of repression demanding that those railwaymen who may rebel against intolerable conditions should be shot. With the view of clipping the claws of trade unionism this cultured champion of law and order [shareholders' law and order] advocates "the creation of special tribunals to settle industrial disputes, *the total abolition of picketing* [*italics mine*], the stern repression of disturbing public peace." What this means our capitalist defender does not say! We can only imagine what "disturbing public peace" means by our knowledge of recent and historical events. Industrial tribunals, forsooth! it will be from these "creations" that the greatest menace to trade unionism will come. I shall have something to say on that point later.

Churchill's Prototype.

Labour folk, who have criticised the unwarranted policy pursued by the member for Dundee in the recent railway strike, have said that this man of many parts copied the policy of Aristide Briand, ex-Anarchist, ex-Premier of France, who illegally called out the army reservists and forced them to become strike smashers against their own comrades in the great French railway strike. This is a mistake. Churchill is steeped too deep in American lore to have overlooked the many shining examples of strike-smashing tactics to be found in the land of the almighty dollar. The man who wrote on the "Philosophy of Strikes" unconsciously touches the spot when he eulogises ex-President Cleveland, who in 1894 quelled the great American railway strike, which originated in Chicago, by putting the States of the American Union under martial law. Briand was a copyist, not an originator. Grover Cleveland, the tool of the Trusts, and not the renegade Briand, was Churchill's prototype.

Cleveland, in the American railway strike, flagrantly violated the Interstates Law of the American Union, and illegally sent troops to the assistance of the Railway Managers' Association in defiance of the wishes of Governor Atgeld and Mayor John P. Hopkins.

Churchill interpreted the civil law of England contrary to all accepted theories, and sent troops to the assistance of the railway companies' directors at Manchester and elsewhere without any request from the Mayor of Manchester or the local Watch Committees, and against their wish.

Cleveland allowed the troops to be used for other purposes than the protection of property. Mr. Lilly says: "Non-union men were escorted to and from their work by troops, whose instructions were to shoot to kill anyone who attempted to interfere, and a considerable number were shot accordingly. Maxim guns were also brought upon the scene, and were found to have a most pacifactory effect."

Churchill allowed the troops, who were supplied with ball cartridges, to be used, as railway managers directed, to protect blacklegs, and to shoot to kill anyone who may interfere. The troops fired with deadly effect at Llanelly, killing two men outright and wounding four others.

Cleveland "furnished," Eugene Debs writes, "the railroad corporations with officers in the form of deputy-marshals to take the place of

striking employees, operate the trains, and serve in that dual capacity in any way that might be required to crush out the strike."

Churchill was prepared to send men of the Royal Engineers, if necessary, to act in the dual capacity of locomotive drivers and strike-smashers. Soldiers, as a matter of fact, did operate as engine-drivers on the Irish railways.

Cleveland quashed the proceedings of the Federal Court when it was discovered that evidence most damaging to the railway companies—in the strike leaders' favour—was being produced.

Churchill repeatedly refused to accede to the demand made by M.P.'s, and other respectable citizens, to hold a Committee of Inquiry into the conduct of the London Police, who brutally bludgeoned old men, women, and children as well as strikers at Tonypandy.

Sufficient has been said to show the deadly parallel between Churchill and his model. Ex-President Cleveland and ex-Home Secretary Churchill displayed utter disregard for constitutional restraints in their zeal to obey the behests of capital. As strike-breakers both have won imperishable renown.

Trade unionists will do well to keep a sharp look-out on what takes place in America in trade union matters. Capital is in the saddle, and will, if needs be, ride roughshod over all legal obstacles that may stand in its way. By close observation of what happens in the States we will be able to anticipate what may be done here under similar circumstances—to be forewarned is to be forearmed.

The precedents established by the Right Honourable Winston Churchill, M.P., in dealing with industrial disputes during his reign at the Home Office will be adopted by his successors whenever it suits the Government of the day to cow the workers who may be on strike into acceptance of employers' terms. Outside intervention by the London police and military force will be a factor which will have to be considered by trade unionists when contemplating future strikes. Much credit is due to the officers in charge of troops that more lives were not lost during the "upheaval." However much the soldiers protected property from wanton destruction, their presence in Liverpool and other places was the cause of violent disturbance. Just as there was no danger of property being destroyed in Chicago until President Cleveland sent the troops into that city at the request of the railway company—although the strike was on from May 11 to July 4—so here there was little fear of violent disturbance in the various centres of the strike area until the authorities lost their heads and let loose the "dogs of war" on the peace-respecting public. But, then, capital has no regard for human lives when the profit barometer is falling.

Injunctions.

International capital has its ramifications in very civilised country in the world. The financial interests which control the Judicature in the United States are to be found in active operation here in England. Millions of pounds of British money are invested in American industrial concerns, just as millions of American dollars are invested in the various industrial undertakings in this country. Capital's sole aim is to secure profits. Whatever may in the remotest way help capital to secure enhanced profits will be encouraged; on the other hand, anything that is in any way likely to diminish profits will be ruthlessly destroyed. It is imperative that these points should be continuously borne in mind by my fellow trade unionists, as they will explain much that otherwise would

be inexplicable, at the same time prevent wrong judgments being formed about industrial questions.

America may be said to be the home of trade union "injunctions." So successful has the issuing of injunctions against trade unions in the United States been in hampering and embarrassing the activities of our fellow unionists across the Atlantic that our opponents have in this country resorted to similar methods. Most of the large trade unions have had injunctions issued against them since 1906 with regard to political action, so that a continuance of the "injunction policy" will be pursued if immediate steps are not taken to arrest it. Many an older trade unionist has expressed satisfaction at these injunctions being granted, as he is not in sympathy with the newer movement. "Why should I pay for the support of political views that I do not share?" That is invariably the attitude he takes up. He fails to appreciate the relationship between industry and politics. He little imagines that every encouragement he gives to the Osbornes and the Cooks is assistance rendered to the opponents of organised Labour to cripple trade unionism. It is only a question of time, unless the movement is arrested, when "injunctions" will be granted for entirely different purposes than to prevent political action by trade unions. The following is a list of injunctions granted in the United States; the list is not a complete one, but is sufficient to demonstrate my point:—

"Quitting work is criminal."—April 3rd, 1893. Taft, circuit judge.

"The boycott unlawful."—Thomas v. Cincinnati, N.O. and T.P. Ry. Co., 62 Fed. Rep., 802.

"The black list is lawful" (employers).—N.Y.C. and St. L. Ry. Co. v. Schaffer, 65 Ohio, 414, Jan. 21, 1902.

"A strike is unlawful."—U.S. v. Cassidy et al., 67 Fed. Rep., 698, 1895.

"Effort to unionise shop unlawful."—Lowe et al. v. Lawler et al., 208 U.S., 274, Feb. 3, 1908.

"Union Labour has no right to conduct a strike."—Alfred W. Booth and Co. v. Burgess et al., 65 Atlantic Reporter, 226, Nov. 26, 1906.

"Unlawful to induce non union men to quit work."—Enterprise Foundry Co. v. Iron Moulders' Union, 112 N.W., 685, July 1, 1907.

"The unfair list forbidden."—Wilson et al., 232 Ill., 389, Feb. 20, 1908.

"Eight-hour day unconstitutional."—Nebraska Supreme Court, Charles G. Low, plaintiff (in error) v. Rees Printing Co., 24 L.R.A., 702-708.

"Maintaining a picket is unlawful."—A.T. and S.F. Ry. Co. v. Gee et al., 139 Fed. Rep., 152, July 10, 1905.

No one could read the reports which appeared in the Press of the evidence given by the railway directors without realising that something will happen to damage the unions. Mr. Beasley gave an answer to a question which illuminates much: "He did not think it was possible to prevent strikes, but the funds of the union should not be applied to supporting men who would not carry out an award, while protection should be given to those who desired to do so. Trade unions should be made responsible for carrying out a bargain." That is the drift! Employers through the law courts to have a controlling power over trade union funds. That is precisely the point aimed at by the Federated Employers who locked out the boilermakers last year. Executive councils of large trade unions are aware of the numerous difficulties which exist under present conditions of concentrating available funds on the scene of action during a long and extending dispute without having any further difficulties thrown in the way.

Industrial Disputes Tribunals.

Trade unionists must be prepared for some action being taken by the Government to prevent a recurrence of strikes such as happened last summer. I have, in passing, drawn attention to expressed opinion in favour of taking away the legal right to picket. I do not anticipate immediate action on the part of the Government in that direction. Asquith, Lloyd George, Churchill and Co. are too astute to make an open and frontal attack of that character. That would be too transparent. It would be giving the show away, and working-class voters would see through the game. The attack will be a flank movement—legislation by regulation. As a matter of fact, there has been recently created an "Industrial Council," which has received the approval of Mr. Asquith and Sydney Buxton, President of the Board of Trade. This Industrial Council is a scheme conceived and launched on the public by Sir Charles Macara, a gentleman not unknown to Lancashire cotton weavers. The object of the Council is "for preventing and shortening industrial disputes"; it will consist of "twelve commissioners chosen to represent employers and a corresponding number to represent workmen." Sir G. R. Askwith, K.C.B., K.C., of the Board of Trade, is chairman. Of course, it is a purely voluntary body with nothing compulsory about it. So far as it retains that character its power for mischief may not be great. It is just possible, however, that it may be the thin end of the wedge to a compulsory scheme of State interference, which would be disastrous to trade unionism. How useful such a body will be to organised Labour depends upon the calibre and ability of the workmen's representatives and the vigilance displayed by the rank and file of the unions. There is one point about this Industrial Council upon which there need be no two opinions: the founder of the scheme did not promulgate the idea with the view of making the conflict between Labour and Capital less unequal in the interests of Labour. Sir Charles Macara is a member of the International Cotton Combine, which controls nearly the whole of the cotton manufacturers in the world. The Cotton Combine will, without the slightest hesitation, close down mills in South America, or work short time for years in Lancashire. The anxiety shown by these public-spirited captains of industry to protect the poor operative from the horrors and miseries of a strike is not due to any desire to improve the toiler's lot, but is born from the fear of the growing power of organised Labour. Sir Charles's present conciliatory mood is a striking contrast to the attitude adopted by him and his fellow cotton manufacturers some fifteen months ago, when they closed down some 700 spinning mills—because George Howe would not "pick flats."

Committees, or councils, of employers and trade union representatives may be useful for mutual consultation and settlement of any grievances that may arise between employers and employees, but these can be established by mutual agreement between organised trade unions and federated employers. The A.S.E. and allied societies in the engineering and shipbuilding trades have in conjunction with the federated employers formed local and central conference boards for dealing with industrial grievances. These conference boards have been in existence for something like fourteen years, and have been remarkably successful in settling industrial differences, while the workers' interests in these matters are safeguarded, and their well-being promoted, by the existence of strong and powerful trade unions; but the creation of compulsory industrial tribunals under State control would be a calamity.

A Misguided Labour M.P.

When the flood-gates of vituperation were wide open and abuse was being hurled at those actively engaged in the Titanic struggle of organising; when the outcry against strikes and trade unionists was most clamorous; at the moment when the men's responsible leaders were in need of encouragement and assistance to enable them to bring the strike to a successful issue in favour of the men, an arrow was shot from the bow of a "Labour man" in a moment of panic that staggered the stalwarts in the trade union camp. This arrow took the form of a Parliamentary Bill, which was picked up by the archer when wandering across the plains of Canada. To cut the metaphor; the Bill caused such consternation amongst trade unionists that it and its author were unanimously condemned by the Trades Union Congress at Newcastle. And the General Federation of Trade Unions issued a manifesto against the pernicious thing. The Federation deserves thanks for the prompt action taken to expose the nature of the measure. Its mischievous features are admirably summarised in the manifesto, which I quote:—

Clause 1 enacts that where any dispute between employers and employees exists *either of the parties* may apply to the Board of Trade for a Conciliation Board. The real effect of this clause can only be understood if it is read in conjunction with clauses 2, sub-section B, clauses 18, 21, 29, 32, 33, 35, 36, 37, and 42.

Clause 2, sub-section B, declares that in the event of either party to the dispute failing to appoint its representative to the Conciliation Board, the Board of Trade shall compulsorily appoint; that those appointed must within five days select the chairman or the Board of Trade will appoint him also. On the conclusion of these appointments, all of which may have been made by the Board of Trade, notification will be sent to the parties to the dispute, and it will then, according to the Bill, be assumed that those appointed have been appointed by the disputants, and that they may act accordingly.

Clause 5, section 2, enacts that no person having a pecuniary interest (that is, a workman) can be a representative on the Board.

Clause 9, in its present form, would render trade unions unnecessary; it also indicates a careful attempt to safeguard the interests of non-unionists as such.

Clause 17 provides for the compulsory attendance of witnesses, and clause 18 provides the penalties for those who refuse to give evidence or produce any trade union books, papers, or documents which the Board may call for. These penalties include fines up to £20.

Clause 20 introduces the lawyer, and with him the further legal exploitation of trade union funds.

Clause 21 empowers the Board (which may have been appointed in opposition to the wishes of the men) to act in the absence of either party, and specifically declares that the absence of either party will not prevent the Board giving a decision. The significance of this provision cannot be overstated.

Clause 29 gives the Board the right to investigate all trade union books, papers, or reports; either with or without the consent of the parties concerned. The people who demand such books and papers may be anti-trade unionists.

Clause 32 declares it to be unlawful to declare a strike or lock-out prior to or during reference to the Board of Conciliation.

Clause 33 enacts that employers and employees shall give at least thirty days' notice of any intended change affecting conditions of employ-

ment with respect to wages or hours; and in every case where a dispute has been referred to a Board, until the dispute has been finally dealt with by the Board neither of the parties nor the employees affected shall alter the conditions of employment with respect to wages or hours, or on account of the dispute do or be concerned in doing, directly or indirectly, anything in the nature of a lock-out or strike, or a suspension or discontinuance of employment or work, but the relationship of employer and employees shall continue uninterrupted by the dispute, or anything arising out of the dispute.

Clause 35 declares that any employee who goes on strike contrary to the provisions of this Act shall be liable to a fine of not less than £2, nor more than £10, *for each day or part of a day that such employee is on strike*. While clause 36 enacts that "any person who incites, encourages, or aids in any manner any employer to declare or continue a lock-out, or any employee to go or continue on strike contrary to the provisions of this Act, shall be guilty of an offence and liable to a fine of not less than £10, nor more than £200."

Clause 42 empowers the Board of Trade to make regulations in respect of anything authorised by the Act, and also as to any other matter which appears necessary or advisable. The clause extends the practice of legislation by regulation, a practice always dangerous, but especially so in trade union matters, and it gives the Board of Trade the right to take six months over a case if it so chooses.

One can hardly imagine it to have been possible to have found amongst the members of the Labour Party in Parliament a representative trade unionist who would have drafted and presented such a measure to the House of Commons—there is one, and his name is Will Crooks, M.P. for Woolwich.

Those who know Crooks know him to be a man whose heart is bubbling over with the milk of human kindness and with sympathy for suffering humanity. The object of the Bill is to make it practically impossible for wanton strikes to take place, as oftentimes they inflict untold suffering on "poor women and children." I do not quarrel with Crooks on that score. My criticism is based on the conviction that his remedy is worse than the disease, inasmuch as it would not prevent unscrupulous employers from getting rid of their employees, notwithstanding the lock-out penalties; whilst it would prevent trade unionists from availing themselves of the golden opportunities that may arise to secure improved conditions. The Bill is a bad one from end to end. It is just the sort of thing that would have gladdened the hearts of the Colonel Dyers, the Sir George Liveseys, the Ship Owners' Federation, and all the rabid anti-trade unionists in the country. Evidence of this is to be found in the following extracts from the Railway Commission Report. These excerpts are taken from that part dealing with the "Right to Strike":—

"To make any scheme of conciliation effective there should be no organised stoppage of work until the conciliation machinery has been exhausted. No encouragement or assistance should be given to either side refusing to abide by the settlements during the periods of their continuance, and full and ample protection should be given to those who desire to observe them.

"Witnesses have suggested the applicability to railway employees of Section 4 of the Conspiracy and Protection of Property Act, the Canadian Industrial Disputes Investigation Act, and the provisions contained in a Bill presented to Parliament by Mr. Crooks, M.P., and others. It is not for us to prescribe how the adherence to contracts can be encouraged, how the breach of them can be penalised. Men have

the right to determine their engagement by giving a lawful notice, but in the exercise of their freedom in this respect they should not, in our opinion, be permitted to incite or coerce by threats, or by any form of intimidation, men who desire to give their labour."

I do not expect for one moment that there is any likelihood of this Bill going to a second reading, and to all intents and purposes the thing is dead. "If that is your opinion, why throw water on a drowned rat?" some may ask. This particular Bill may be dead and damned, but the mischief it has done will live. Crooks and those Labour M.P.'s who backed the hateful thing, amongst whom is Mr. Arthur Henderson, will be quoted on every possible occasion by the most bitter opponents of trade unionism as being in favour of compulsion. Trades dispute tribunals with legal penalties attached thereto. It may not have occurred to the member for Woolwich that, in his inordinate desire to alleviate the sufferings of poor "women and children," he has unconsciously been playing the employers' game. The Labour Party was not formed to present Bills of that nature to Parliament. That work can well be left to the employers who are in the House. It was formed to defend working-class interests without fear or favour of whatever Government may be in power.

The Right to Picket.

Under the pretext of suppressing "hooliganism" there is an organised movement on foot to render peaceful picketing ineffective. Churchill's circular letter to the magistrates, emphasising the power possessed by them with regard to the law which allows trade unionists to establish a "picket" where strikes are in progress, is significant. His more recent communication to the magistrates instructing them to form battalions of special constables to assist the police during a strike—in other words, to act as organised strike-smashers—is evidence of the cunning devices the Government is prepared to adopt to evade its responsibilities in providing facilities for the effective operation of the Trades Disputes Act.

There are many people who really believe that if the right to picket was removed from the Statute Book strikes would rapidly become a thing of the past. These people are firmly convinced in their own minds that trade unionism exists for the sole purpose of creating strife between employers and employees. Of course, this is absurd, as everyone knows who is a member of a trade union. Even if it were so, the employer and not the trade unionist is the determining factor of a strike. The function of a union is to organise the workers and to formulate demands as a collective body. Whatever the demand may be, either a rise in wages, a reduction of hours, curtailment of overtime, or the removal of arbitrary conditions; if the employer concedes the demand a strike will not take place. It is when the employer refuses to meet the men's representatives, or refuses to make concessions, that a strike occurs. Strikes need never happen if employers desire peace. "That's all very fine to place the onus of a strike upon the shoulders of the employers. The trade unionist may, and often does, make demands which industry is unable to bear; and, if granted, would be ruinous not only to employers, but to the workers, as trade would leave the country in consequence"—thus argue our opponents. I do not think a case can be sustained, having regard to all the facts, where a responsible body of trade unionists have made inordinate demands. A dispassionate survey of all the circumstances will prove that, on the contrary, the demands made by representative trade unionists have been extremely

moderate. To deprive trade unions of the right to picket would be no safeguard against the violence of "hooligans." Neither would it prevent strikes or make property more secure, although it would hamper somewhat the movements of organised Labour. What, in all probability, would happen under the circumstances would be that trade unionists would be forced to resort to surreptitious methods; and encouragement would be given to sabotage, thugism, and other sanguinary evils.

The Power to Strike.

In circles where statesmen and leading politicians move and have their being opinions are freely expressed at the outrageous audacity of the lower orders, and demands are made to suppress the agitator and destroy our power to strike. Outside these circles similar opinions are entertained, even amongst people whom we know to be in no way unsympathetic to Labour's claims. No Government, in these days, would attempt to introduce a measure to make strikes a punishable offence. Were they to do so they would not only be attempting the impossible, but would awaken all the furies within the body politic, and thus bring about their own destruction. A Government cannot legislate against the right to strike without endangering the right of free speech, the right of public meetings, the freedom of the Press, and other civil liberties enjoyed by a democratic people. I have already indicated the *modus operandi* that will be adopted to cripple that power. Although I advocate with all emphasis the right to strike, and would fight to the bitter end to maintain that right, I do not recommend, nor advocate, a policy of wanton strikes controlled by irresponsible persons. Strikes in the future are going to be gigantic and terrible affairs, and much preparation and consideration by responsible bodies of organised workmen will be needed before a strike is declared. The horrors of a long and extensive strike are appalling, much suffering and untold hardships are inflicted upon the men, women, and children. But the miseries of a strike are no greater than the miseries of unemployment. Having regard to all these facts, I would have no hesitation in advocating a strike if that were the only way of redressing Labour's wrongs.

The successful issue of the many strikes, and the concessions wrung from Capital by Labour in the recent industrial upheaval are, indeed, most gratifying. The solidarity amongst the different grades of labour was magnificent and inspiring. The breaking down of the barriers of prejudice that existed between different bodies of workmen, and the number of sympathetic strikes that occurred, the fearless determination displayed by the men, the self-sacrificing spirit of the women, the enthusiasm of the non-unionist to make common cause with his organised work-mate, speaks volumes for the spirit of industrial unity, and gives hope for the future. Words fail me to express my admiration for those who were engaged in the struggle; it requires a more powerful pen to do justice to the efforts put forth. So bewildering were the triumphs gained that it is easy to understand how so many have become enamoured with the idea of inaugurating a new Jerusalem by means of a universal strike.

Having made my position clear with regard to strikes, I would remind my fellow trade unionists of the grave danger which lurks in the too-ready acceptance of the universal strike idea to the exclusion of other means. I yield to no one in my desire to be free from the shackles of capitalism, but my knowledge of history tells me that

Labour will not be emancipated by means of a universal strike. Temporary advantages may be gained only to be swept away by the wave of reaction. It must not be forgotten that a series of circumstances over which Labour had no control—the Coronation ceremony, the Naval Review, a remarkably hot summer, apart from economic causes—contributed in no mean degree to the success of last year. A national strike of long duration is impossible from the very fact that the workers would be the first to suffer from famine prices. Every man on strike would have opponents in his own household—starving women and children—who, apart from his own physical suffering, would take the heart out of him by their unsympathetic reproaches. The better and more permanent way to secure improved conditions is to organise on the political plane as well as on the industrial. A strong and resolute Labour Party in Parliament is a necessary corollary to effective industrial organisation—a party that will on every possible occasion make working-class questions the dominant issue, who will not fritter away its energies by supporting measures of secondary importance. Both wings of the industrial army working in close unison, having a definite aim, will do more to improve the industrial and social conditions of the masses in ten years than the continuance of the absurd policy of fighting organised capital in the industrial arena, and voting its representative into Parliament, will do in a hundred years. It is madness to think that men whose economic interests are in direct opposition to the economic interests of their wage-earners will by legislative action do anything to strengthen the workers' position to the detriment of their own. The report of the recent Railway Commission is evidence of how Labour's interests are furthered and protected by the defenders of capital. I sympathise very strongly with the railway men, and share with them their indignation. "Recognition," as I understand what is meant by trade-union recognition, is still denied to them. I deeply regret that Mr. Arthur Henderson, M.P., did not issue a minority report. Whether on "commissions," conciliation boards, "industrial councils," judicial bench, the press or pulpit, it will always be found that the spots of the leopard and the stripes of the tiger are as brilliant as ever.

A Summary

From the preceding pages we get a glimpse of the bitter struggle and hardships undergone by early trade unionists to win the right of combination; the brutalities of the law; the unfair administration of justice; workmen cast into prison, transported to Botany Bay, and sold to labour contractors; done to death because they dared to combine in defiance of the law, whilst masters and employers, who were equally guilty of forming illegal combinations, were not prosecuted. How it was legal for a master to lock-out his workmen if they refused to work for the wages he chose to offer, and illegal for men to leave their work in a body if the master refused to give the wages they chose to require. The flagrant use of the Conspiracy Laws to defeat the ends of legalised trade unionism. The resurrection of the spirit which animated the administration of these old laws in the recent industrial troubles by the Government's action in calling out the military to quell the strikers. The outcry against strikes and the right to picket, and the demand for the abrogation of the Trades Disputes Act, 1906, by influential bodies who are hostile to organised Labour. The indiscretions of Will Crooks, M.P., and the crafty manoeuvres of Sir Charles Macara to strangle trade unionism. The suggestions by railway directors

to cripple trade unionism by controlling trade union funds through the law courts, and the creation of an industrial council under the Board of Trade whose proceedings are to be "private and confidential." A recital of a number of "injunctions" by the Judicature of the United States against trade unions, and the tendency to pursue the same policy here. The insidious policy that is likely to be adopted by the Government to hamper and embarrass trade unions—legislation by regulation. The unwisdom of promulgating the universal strike idea as a rapid means of solving the social problem; the necessity of organising on the political plane; and the utility of both wings working in unison towards a given end. Each and all of the points I have raised in this brief review of the early struggles for trade union recognition, and the dangers which are threatening the effectiveness of trade unionism, are worthy of serious consideration by all my fellow trade unionists in the country. The organised opposition that has recently sprung into being against our organisations by our predatory foes is the finest testimony that could be paid to the effectiveness of trade unionism. To maintain unimpaired the power to strike and the right to picket is the work of every individual member of a trade society. That demands close and alert watchfulness on our part with regard to movements of the enemy. Remember blind John Milton's dictum: "Eternal vigilance is the price of liberty."

A Final Word.

Most of the points that I have brought before the reader's notice may be said to be external dangers. But there are others no less inimical—internal dangers. There exists, more or less, in all trade unions the canker of apathy, indifference, and an inclination to let the machine hustle along on its own momentum. Branches are very meagrely attended. Members attend merely to pay contributions—many do not do even that, but make a regular habit of sending their money. Various reasons can be given for this very unsatisfactory state of affairs, but the main reason, in my opinion, is that the business transacted at these meetings, although indispensable, is uninteresting and unattractive. So much time is wasted over trifling details that there is little or no time for discussing important matters: Trade union branches should be the class-rooms of the workmen's university. Lectures and addresses should be given by competent persons, not necessarily trade unionists, on industrial questions, and on the various phases of the social problem. Reading circles or classes should be formed for the study of industrial history, economics, political science, and sociology. Of course, books are necessary, but that is not a difficult matter to overcome. The Fabian Society have a system of lending boxes of suitable books, which trade-union branches can obtain on loan for a few shillings annually. Several branches within my knowledge have adopted this system, others should do likewise. It is imperative that branches who form educational committees for this sort of work should see that their lectures and studies harmonise with each other.

Non-attendance at branch meetings and lack of intelligent interest in the workings of the society and the wider affairs of trade unionism enable the various officials to acquire an undue control over the affairs of the movement. The inevitable consequence of this is that the higher officials arrogate to themselves airs and authority, and thus become in their own little way dictators. On the other hand, the ordinary rank and file member who is too lazy to do his own thinking becomes a servile creature to constituted authority, and in time comes to look upon

his paid official as a Chinaman does upon his Joss. In saying this, I do not want to be understood to mean that trade union officials should be the object of insulting attacks by irresponsible individuals. No! They should receive the respect that is due to honourable men. Slavish adulation, whether it is to a trade-union official, a monarch, or an ecclesiastic is bad and ruinous to all institutions. Officialism uncontrolled casts a blight upon all that is good; self-interest usurps the interests of common good. In every trade union are to be found men occupying high official positions who prior to their appointment were militant and progressive-minded men; but, alas! what a change comes over these erstwhile militants when the mantle of responsibility is cast over their shoulders. What hitherto was bad becomes good; what was arbitrary becomes reasonable; what was mere progressivism becomes extreme; what was wholesome criticism becomes unwarranted attacks. "Be reasonable and have implicit trust in your officials" is the lamentation of all the little-minded Cæsars who are at the head of the Labour army. Walt Whitman saw with clear and unerring vision into the heart of this cancerous sore when he urged democracy "to wage eternal war against the never-ending audacity of the elected persons."

In these days of concentrated capital controlling mammoth industrial combines and intensified methods of production old trade-union methods are obsolete and impotent to withstand the encroachments of organised capital. We have too many trade unions and too few trade unionists. Sectionalism is weakness, not strength! It is a standing reproach to trade union statesmanship the existence of a number of societies covering the same industrial area. Employers view with intense satisfaction the existence of these societies in more or less open competition. Signs are not wanting amongst the more intelligent trade unionists of efforts to remedy this deplorable condition of affairs. Two proposals are before the unions: closer federation and amalgamation; the former means little more than the perpetuation of sectionalism under a new name; amalgamation of the unions covering the same industry into one organisation, and a federation of all industrial unions, having an offensive policy as well as a defensive, is the more commendable. Permanent officials are the stumbling-blocks in the way of consolidation; these men fight with the tenacity of a "backwoodsman" to maintain the existing state of affairs. These men must be given to understand that movements, like institutions, are of more importance than individuals. Three generations of trade-union effort has been put forth since the right of combination was won, and less than three millions out of fifteen millions of workers are organised. This is a stigma which each and all of us must share. Our obvious duty is the consolidation of kindred unions and the organisation of the great unorganised. It is up to you and me as rank-and-file members to force the laggards forward; to urge them on to a new conception of the aims of trade unionism. Too long have we been content to struggle like famished wolves to secure an increase of *two mites* per hour; the rewards of organised efforts will be in proportion to the demands made. Labour organised means the fulfilment of the old Latin proverb: "Labor Omnia Vincit" (Labour conquers everything). Unity is strength! Unity is power! Strong to resist, powerful to conquer! Onward, comrades, onward:—

A Labour Day is coming, when freedom's flag shall wave
Above a land where famine no longer digs a grave;
Where money is not master, nor the working man a slave—
For the right is marching on.

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